

REMARKS

This Response, filed in reply to the Office Action dated September 22, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-25 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 102

Claims 1, 8, 13-21 and 25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wafler.

Claim 1

Claim 1 recites “an image obtaining section for obtaining an image **according to an original image to be subjected to an image processing** in said image processing apparatus.”

The Examiner cites scanner 6 for teaching the claimed image obtaining section. Scanner 6 scans a known test original to obtain a digital representation of the test original. The digital representation of the scanned known test original is stored in a memory 56. The digital representation of the scanned known test original is compared with an actual digital representation of a scanned image. Differences between the images are compensated for and calibrated to obtain a desired input/output transfer function of the scanner subsystem. See col. 6, lines 36-66. Therefore, scanner 6 is used to acquire digital information regarding a scanned image.

However, at no point does scanner 6 (image obtaining section as cited by the Examiner) obtain an image according to an original image to be subject to an image processing. In particular, Wafler is not at all concerned with subjecting an image to image processing. Wafler

is directed to calibrating a scanning subsystem 6 and a printing subsystem 8. Therefore, Wafler at most discloses obtaining an image. There is no teaching or suggestion that an image is obtained according to an original image to be subject to an image processing. Further, at no point has the Examiner established where “an image according to an original image to be subject to an image processing” is disclosed in Wafler.

Moreover, assuming the Examiner is citing the actual image for teaching the claimed “obtaining an image” and is citing the test original for teaching the claimed “original image,” at no point is the original image subject to an image processing. In particular, the original image is used to calibrate the digital copier of Wafler. If the test original of Wafler were subject to image processing, this would appear to defeat the calibration purpose of the test original. Assuming the Examiner is citing the actual digital representation of a scanned image for teaching the claimed “for obtaining an image,” the Examiner has not established where “according to an **original image**” is disclosed in Wafler.

In response to the Applicant’s arguments, the Examiner asserts on page 5 of the Office Action that the recitation of image processing does not require the use of these parameter values to perform image processing. However, as specifically recited in claim 1, the image obtaining section obtains an image **according to an original image to be subjected to an image processing** in said image processing apparatus. Consequently, in order to establish anticipation, the Examiner must establish where “an original image to be subjected to an image processing” is disclosed in the cited art.

Claim 1 further recites “**an initial image processing condition determination section** for determining an initial image processing condition in accordance with the image obtained by

said image obtaining section” and “**an image processing condition determination section** for determining in accordance with an operation an image processing condition **having a desired deviation** from the initial image processing condition determined by said initial image processing condition determination section.” On page 7 of the Office Action, the Examiner states that the portion of the main memory 56 containing the “Known Original Values” teaches the claimed initial image processing condition determination section and the portion of the main memory 56 containing the “Known Test Print Values” teaches the claimed image processing condition determination section.

The “Known Original Values” are the values of the known test image which are stored in the memory and are compared with the actual digital representation of a scanned image. The “Known Test Print Values” represent the stored actual digital representation of a scanned image. See Fig. 6 and its corresponding description at col. 6, line 35 to col. 7, line 35. The values of the “Known Test Print Values” which are the values of the actual digital representation of a scanned image do not teach or suggest a **desired deviation**. In particular, the values of the “Known Test Print Values” are compared with the scanned digital representation of the known original in order to calibrate the printing subsystem 8. Therefore, the “Known Test Print Values” are not desired values, but are values used to determine an error with respect to the printing subsystem 8. Further, any deviation from the known original image values would not be desired in Wafler as this would defeat calibration.

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claim 13 recites similar elements, claim 13 and its dependent claims should be deemed allowable for at least the same reasons.

Claim 17

Claim 17 recites “wherein the operation is performed by an operator of the image processing condition setting apparatus.”

The Examiner asserts that the option of notifying the operator of the type and the amount of adjustment to be performed as disclosed in col. 7, lines 3-7 teaches this aspect of the claim. The respective column and lines cited by the Examiner discloses that parameters such as image density, linearity and margins can be adjusted by notifying an operator of the parameter that needs adjustment.

As discussed above, claim 1 recites “an image processing condition determination section for determining in accordance with **an operation** an image processing condition having a desired deviation from the initial image processing condition determined by said initial image processing condition determination section.” However, at no point is the “Known Test Print Values” (image processing condition determination section as cited by the Examiner) in accordance with an operation which is performed by an operator of the image processing condition setting apparatus. In particular, the density, linearity and margin adjustment (operation performed by an operator as cited by the Examiner) of Wafler is not related to the “Known Test Print Values” which are values of an actual digital representation of a scanned image (desired deviation values as cited by the Examiner).

For at least the above reasons, claim 17 should be deemed allowable. To the extent claim 21 recites similar elements, it should be deemed allowable for at least the same reasons.

II. Allowable Subject Matter

Claim 22 is allowed.


The Examiner has indicated that claims 2-7, 9-12 and 23-24 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten claims 2-7, 9-12 and 23-24 in independent form since Applicant believes they will be deemed allowable, without amendment, by virtue of their dependency to claims 1 and 13 for at least the reasons set forth above.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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